

United States District Court

WESTERN DISTRICT OF WASHINGTON

GREGORY G. PHILLIPS,

v.

JUDGMENT IN A CIVIL CASE

CASE NO. C10-5933RJB

COWLITZ COUNTY SUPERIOR COURT.

____ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

 X **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

- (1) The Court adopts the Report and Recommendation (Dkt. 12).
- (2) The petition is DISMISSED WITHOUT PREJUDICE for failure to respond to a court order and failure to show the issue raised is exhausted.
- (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is DENIED with respect to all claims asserted by petitioner in his habeas petition.

March 15, 2011

Date

WILLIAM M. McCOOL

Clerk

s/ Mary Trent

Deputy Clerk